

**NEW MEXICO MEDICAL BOARD
Second Quarter Meeting
May 14 -15, 2009**

**2055 S. Pacheco, Building 400
Santa Fe, New Mexico**

DRAFT MINUTES

1. CALL TO ORDER / ROLL CALL / INTRODUCTIONS:

Dr. Kovnat, Board Chairman, called the regular meeting of the New Mexico Medical Board to order at 8:38 a.m., and a quorum was determined present.

Members Present: Paul Kovnat, M.D., Chairman
Steven Weiner, M.D., Vice-Chair
John Lauriello, M.D., Secretary / Treasurer
Vivian Giudice, M.D.
Roger Miller, M.D.
Frank Crespin, M.D.
Reza Ghadimi, P.A.
Kathy Abeles, Public Member

Members Absent: Rebecca Cochran, Public Member

Others Present: Lynn Hart, Executive Director
Grant La Farge, M.D., Medical Director
Andrea Buzzard, Assistant Attorney General
G.T.S. Khalsa, Board Prosecutor
J.J. Walker, Compliance Mgr. / PIO
Lynn Tipton, Administrative Assistant
Debbie Dieterich, Senior Investigator
Jonni Lu Pool, Investigator

(See list of all attendees attached to these minutes.)

2. APPROVAL OF AGENDA:

Dr. Kovnat **MOVED** to approve the agenda. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Miller, Dr. Crespin, Mr. Ghadimi and Ms. Abeles.

MOTION CARRIED.

3. APPROVAL OF MINUTES:

MOTION was made by Dr. Crespin to approve the Minutes from the April 2, 2009 Interim Meeting. **SECONDED** by Dr. Kovnat. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Miller, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.**

4. COMPLAINT COMMITTEE REPORTS:

EXECUTIVE SESSION:

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Dr. Weiner. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Miller, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.**

The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

5. ACTIONS RELATED TO EXECUTIVE SESSION:

A. Licensees and Applicants

Complaint Committee A:

RECOMMENDATION was made by Dr. Weiner to close complaint cases 2008-A-082; 2008-A-157; 2008-A-173; 2008-A-180; 2008-A-219; 2008-A-222 and 2008-A-223, as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-137 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter regarding patient interaction. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2008-A-204 RECOMMENDATION was made by Dr. Weiner to close this case and to issue physician an advisory letter regarding disclosing and reporting requirements. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2009-A-002 (Robert Katz, MD). RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action based on sexual contact with a patient and failure to maintain timely, accurate, legible and complete medical records. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2009-A-021 (John Fancher, MD). RECOMMENDATION was made by Dr. Weiner to issue a Notice of Contemplated Action based on action in another state. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Case No. 2009-A-052 (Allen Mock, MD). RECOMMENDATION was made by Dr. Weiner to offer the physician a stipulated license requiring mandatory participation in MTP and other standard substance abuse stipulations. **YES:** Dr. Kovnat, Dr. Lauriello, Dr. Giudice, Dr. Miller, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Weiner and Dr. Crespin. **RECOMMENDATION PASSED.**

Complaint Committee B:

RECOMMENDATION was made by Dr. Miller to close complaint cases 2008-B-098; 2008-B-110; 2008-B-150; 2008-B-158; 2008-B-181; 2008-B-203; 2008-B-209; 2008-B-214; 2008-B-247; 2008-B-259 and 2009-B-029 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-029 (██████████). RECOMMENDATION was made by Dr. Miller to issue a Notice of Contemplated Action based on failure to provide the Board with information requested by the Board. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2008-B-049 (Raymond Nejeles, MD). RECOMMENDATION was made by Dr. Miller to issue a Notice of Contemplated Action based on incompetence to practice medicine. **YES:**

Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Miller. **RECOMMENDATION PASSED.**

Case No. 2009-B-055 ([REDACTED]). **RECOMMENDATION** was made by Dr. Miller to offer Physician a stipulated license restricting physician from performing any and all cosmetic procedures, and all reconstructive procedures of the breast, abdomen and lower extremities. This stipulation does not restrict physician from performing dermatological procedures including reconstructive procedures following excision for benign or malignant lesions or surgery of the upper extremity. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **ABSTAINED:** Dr. Miller. **RECOMMENDATION PASSED.**

Complaint Committee C:

RECOMMENDATION was made by Dr. Giudice to close complaint cases 2008-C-135; 2008-C-140; 2008-C-182; 2008-C-188; 2008-C-211; 2008-C-220 and 2008-C-221 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2007-C-180 **RECOMMENDATION** was made by Dr. Giudice to return case to the department for further investigation. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2008-C-178 **RECOMMENDATION** was made by Dr. Giudice to close this case and to issue physician an advisory letter regarding reporting requirements. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2008-C-205 **RECOMMENDATION** was made by Dr. Giudice to close this case and to issue physician an advisory letter regarding disclosure. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2008-C-232 **RECOMMENDATION** was made by Dr. Giudice to close this case and to issue physician an advisory letter regarding patient communication. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2005-C-169 (Pierre Kamguia, MD). **RECOMMENDATION** was made by Dr. Giudice to amend the allegation in the Notice of Contemplated Action from gross negligence to deceptive and falsified medical records. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice. **RECUSED:** Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2007-C-105 (Bishnu Rauth, MD). **RECOMMENDATION** was made by Dr. Giudice to issue a Notice of Contemplated Action based on gross negligence, falsification of medical records, and failure to furnish the Board with information requested by the Board. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2008-C-227 (Padmanee Kanase, MD). **RECOMMENDATION** was made by Dr. Giudice to issue a Notice of Contemplated Action based on multiple violations of the Medical Practice Act, including, but not limited to, conduct likely to deceive, defraud or harm the public;

improper management of medical records; failure to adequately supervise a medical or surgical assistant or technician or professional licensee who renders health care; and failure to furnish the board, its investigators or representatives with information requested by the board. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Case No. 2009-C-026 (Padmaneel Kanase, MD). **RECOMMENDATION** was made by Dr. Giudice to issue a Notice of Contemplated Action based on failure to adequately supervise a medical or surgical assistant or technician or professional licensee who renders health care. This Notice of Contemplated Action will be combined with the Notice of Contemplated Action in Case No. 2008-C-227. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Miller, Dr. Crespin and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice and Ms. Abeles. **RECOMMENDATION PASSED.**

Complaint Committee D:

RECOMMENDATION was made by Dr. Lauriello to close complaint cases 2007-D-153; 2008-D-113; 2008-D-161; 2008-D-179; 2008-D-213; 2008-D-228; 2008-D-237 and 2008-D-248 as there was no evidence of a violation of the Medical Practice Act or rules. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-057 **RECOMMENDATION** was made by Dr. Lauriello to return case to the department for further investigation. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-131 **RECOMMENDATION** was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding reporting requirements. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-136 **RECOMMENDATION** was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding revising his consent form to mention that procedures or portions of procedures may be performed by physician assistant(s) in his office. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2009-D-038 **RECOMMENDATION** was made by Dr. Lauriello to close this case and to issue physician an advisory letter regarding providing active disclosure to her new patients and other healthcare providers about her role as a lifestyle planner and the need to discontinue her professional relationship with her former patients. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

Case No. 2008-D-177 (██████████). **RECOMMENDATION** was made by Dr. Lauriello to offer Physician Assistant an Agreed Order of Voluntary Surrender under the Impaired Physician Act. Licensee may reapply for licensure after review from an Impaired Physician Committee. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Giudice, Dr. Miller, Dr. Crespin, and Ms. Abeles. **ABSTAINED:** Dr. Lauriello and Mr. Ghadimi. **RECOMMENDATION PASSED.**

B. Executive Committee Report

- Criminal History Hits

The Board reviewed the reports on criminal background arrest records “hits” compiled by the Executive Committee. The Executive Committee members are Dr. Kovnat, Dr. Weiner, and Lynn Hart.

MOTION was made by Dr. Giudice to accept the Executive Committee’s recommendations, as reported, on criminal background arrest records, disciplinary arrest records, and other reported actions. **SECONDED** by Dr. Crespin. **YES:** Dr. Lauriello, Ms. Abeles, Mr. Ghadimi, Dr. Giudice, Dr. Miller and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

- Other Cases

The Board reviewed the reports on other cases compiled by the Executive Committee. The Executive Committee members are Dr. Kovnat, Dr. Weiner, and Lynn Hart.

MOTION was made by Dr. Giudice to accept the Executive Committee’s recommendations, as reported, on criminal background arrest records, disciplinary arrest records, and other reported actions. **SECONDED** by Dr. Crespin. **YES:** Dr. Lauriello, Ms. Abeles, Mr. Ghadimi, Dr. Giudice, Dr. Miller and Dr. Crespin. **ABSTAINED:** Dr. Kovnat and Dr. Weiner. **MOTION CARRIED.**

6. LICENSING ISSUES, NEW APPLICANTS / REINSTATEMENTS:

- Default Hearing – John Lillo, PA – Case 2009-003

MOTION was made by Dr. Kovnat to **REVOKE** the license of Mr. Lillo, PA based on evidence presented in the default hearing and pursuant to §61-1-1 et seq. of the Uniform Licensing Act. If further clarification of the Order is needed, Mr. Lillo will be instructed to contact the Executive Director of the board, Ms. Hart. **SECONDED** by Dr. Crespin. **YES:** Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller and Dr. Kovnat. **RECUSED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**

MOTION was made by Dr. Kovnat to **REAFFIRM** the vote to **REVOKE** the license of Mr. Lillo, PA. **SECONDED** by Dr. Crespin. **YES:** Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller and Dr. Kovnat. **RECUSED:** Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**

- David Lange, MD – Consider request for waiver of Reinstatement Application Fee

MOTION was made by Dr. Kovnat to **DENY** Dr. Lange’s request to waive the reinstatement application fee. **SECONDED** by Dr. Weiner. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner and Dr. Kovnat. **NO:** Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

- Hoan Tran, MD – Consider request for exception of the seven year rule regarding the USMLE

MOTION was made by Dr. Kovnat to **GRANT** an exception to the 7 year rule for completion of all three steps of the USMLE based on the Rules and grant him an unrestricted license to practice medicine in New Mexico. **SECONDED** by Dr. Weiner. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

- Elizabeth Allen, MD – Request for non-disciplinary stipulated license

MOTION was made by Dr. Lauriello to **ISSUE** Dr. Allen a non-disciplinary stipulated license limiting her license to administrative, non-clinical work only. **SECONDED** by

Dr. Crespin. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

EXECUTIVE SESSION:

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Miller, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.** The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

- Christine Horner, MD – Consider non-disciplinary stipulated license
MOTION was made by Mr. Ghadimi to **REFER** Dr. Horner for evaluation with Dr. Cosgrove at the University of New Mexico to see if she is clinically competent to practice medicine in New Mexico. **SECONDED** by Dr. Giudice. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**
- Robert Hillier, MD – Consider request for reinstatement of license
MOTION was made by Dr. Lauriello to **GRANT** reinstatement of Dr. Hillier's medical license to practice in New Mexico. He will be required to voluntarily provide quarterly reports from his physician to the board. **SECONDED** by Dr. Weiner. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **RECUSED:** Ms. Abeles. **MOTION CARRIED.**
- Christopher Gallagher, MD – Consider request for reinstatement of license
MOTION was made by Dr. Kovnat to **GRANT** reinstatement of Dr. Gallagher's medical license to practice in New Mexico with stipulations. **SECONDED** by Dr. Weiner. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

7. **Actions Related to Executive Session** – No action was taken at this time.

8. **REPORTS:**

- A. Chair - Citizens Advocacy Center one-day forum – “Regulatory Management of Chemically Dependent Healthcare Practitioners”
Dr. Kovnat asked if anyone would be interested in representing the board and attending this forum in San Francisco. Dr. Miller will check his calendar and let Ms. Hart know if he will be able to attend. If he is unable to, Mr. Ghadimi would be interested.
- B. Executive Director - Public Citizen's Report
Ms. Hart went over this report that comes out yearly and rates the states on their disciplinary actions. New Mexico was ranked 24th in 2008; 37th in 2007; Alaska has ranked 1st in 2006-2008. Ms Hart pointed out that the report only looks at "serious" disciplinary actions such as revocation and does not collect other actions such as advisory letter and reprimands. She also discussed the physician survey that the Health Policy Commission requested we add to our renewal application. The board voted we add it to our renewal application. We were unable to reach the commission to discuss adding it to our 2009 renewal application so it will be considered for 2010.

Ms. Hart also informed the board that the NM Monitored Treatment Program was awarded the Impaired Healthcare Provider Treatment Program Contract beginning Fiscal Year 2010.

There were no personnel issues to discuss at this time.

C. Medical Director – Update on FSMB meeting

Dr. LaFarge presented a summary of the Federation meeting. Dr. Kovnat, Ms. Cochran and Dr. LaFarge attended the meeting. He discussed their “Day on the Hill”. They met with Senator Bingaman and Senator Udall, as well as Representative Heinrick and Lujan. The main issue was health care reform. A physician from Santa Fe, Dr. Trott is working on this issue with Senator Bingaman’s office.

The National Committee on Foreign Medical Education and Accreditation gave a presentation on how to evaluate the equivalency of the medical school education between non-U.S. and U.S. medical schools, using the Liaison Committee on Medical education as the standard. Also, discussed at the FSMB meeting were the updating and proposed changes in the USMLE process.

D. Assistant Attorney General - No report at this time.

E. Administrative Prosecutor

Mr. Khalsa reported that there is only 1 NCA that is outstanding. The case is in court in California. Two hearings are scheduled in May and June.

G. Licensing Manager

Ms. Quintana provided the board with the 2009 renewal updates for physician assistants and physicians.

She also updated the board on the time-limited and life-time certification count that was discussed at the last board meeting. We are unable to retrieve this data from our records. A question was added to the renewal application for this year (2009) to retrieve this information. A sample number will be provided at the November meeting and the total data will be complete after three years of license renewals.

She provided an update on the Online Application. At this time it is in the testing period.

H. Financial / HR Manager

Ms. Mascarenas discussed the budget and revenue status reports ending April, 2009. A budget adjustment request to purchase laptops and computers will be submitted. Legislation was passed to increase mileage reimbursement effective July 1, 2009. She reminded the board that most of our revenue is generated in April, May and June.

I. Investigation Department – Reporting of Impaired, incompetent or unethical colleagues

The Investigation Department, Mr. Khalsa, Ms. Buzzard and Ms. Hart discussed with the board the ramifications of mandatory reporting of impaired, incompetent or unethical colleagues. On occasion, calls have come into the board office asking if a colleague is required to report against a fellow colleague that may have one of these issues and staff would like guidance from the board on this issue. The board does have concerns, but was conflicted about the implications of mandated reporting. At this time there is no mandatory reporting and Ms.

Buzzard reminded the board if they try to enforce this reporting, they need to have a rule. The board would like to put this on the agenda for the next quarterly meeting and invite a speaker on the issue.

J. Compliance / Public Information Officer

Ms. Walker provided compliance summaries for the Board's review and reported that there were no participants out of compliance.

EXECUTIVE SESSION:

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license. **SECONDED** by Dr. Crespin. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Dr. Giudice, Dr. Miller, Dr. Crespin, Mr. Ghadimi and Ms. Abeles. **MOTION CARRIED.** The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

9. COMPLIANCE

A. Board Monitored Compliance Report

Ms. Walker reviewed the compliance report and provided status on all licensees.

B. Board Order – Alonso Pacheco, MD (request probation be terminated)

MOTION was made by Dr. Weiner to remove all Stipulations and **GRANT** Dr. Pacheco an unrestricted license. **SECONDED** by Dr. Crespin. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

C. Board Order – Matthew Caffrey, MD (request probation be terminated)

MOTION was made by Mr. Ghadimi to remove all Stipulations and **GRANT** Dr. Caffrey an unrestricted license. **SECONDED** by Dr. Miller. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

D. Board Order – James Hartenbach, MD (request probation be terminated)

MOTION was made by Dr. Kovnat to **DENY** licensee's request to be removed from probation. **SECONDED** by Dr. Giudice. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

E. Board Order – Henry Bramanti, MD (request amendment to stipulation)

MOTION was made by Dr. Kovnat to remove all Stipulations and **GRANT** Dr. Bramanti an unrestricted license. **SECONDED** by Mr. Ghadimi. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Kovnat, Dr. Miller and Mr. Ghadimi. **MOTION CARRIED.**

F. New Mexico Monitored Treatment Program Report

Jon Thayer, MTP Executive Director and Dan Collins, M.D., MTP Medical Director were present to discuss the status of mandatory and voluntary MTP participants. They reported all participants were in compliance this quarter. The status for voluntary participants will change to mandatory referral (if they are referred by the board). If they are stipulated by the board they become mandatory participants.

Mr. Thayer also gave an update on the MTP operating report and discussed the quarterly report and budget.

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to licensure and discipline. **SECONDED** by Dr. Miller. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Mr. Ghadimi, Dr. Giudice, Dr. Miller, Ms. Abeles and Dr. Crespin. **MOTION CARRIED.**

The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

10. INFORMAL INTERVIEWS

MOTION was made by Dr. Kovnat to go into closed session pursuant to Section 10-15-1(H)(1) of the Open Meetings Act to discuss matters pertaining to licensure. **SECONDED** by Ms. Abeles. **YES:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Abeles, Mr. Ghadimi, Dr. Giudice, Dr. Miller and Dr. Crespin. **MOTION CARRIED.**

The Board returned to open session. Dr. Kovnat stated for the record that the matters discussed in executive session were limited only to those specified in the motion for closure.

James Hartenbach, MD, Robert George, MD, Aaron Brodsky, MD, Jon-Paul Hamilton, MD, Stephanie Hedstrom, MD, Keith McClung, MD, Henry Bramanti, MD, Jon Wagner, MD, James Bradley, MD, Matthew Caffrey, MD, Alonso Pacheco, MD and Gary Puro, MD were interviewed in Executive Session regarding current practices and compliance with the Board. Ralph Hansen, MD and Adelfio Fronterotta, MD were interviewed via teleconference. Daniel Noonan, MD did not appear. The board excused his absence since he did not receive the notice and they will meet with him at the August meeting.

The Board **RECESSED** at 5:00 p.m. on Thursday, May 14, 2009.

FRIDAY, May 15, 2009

The Board **RECONVENED** the regular meeting at 9:00 a.m. on Friday, May 15, 2009, and a quorum was determined present. **MEMBERS PRESENT:** Dr. Kovnat, Dr. Weiner, Dr. Lauriello, Ms. Abeles, Mr. Ghadimi, Dr. Giudice, Dr. Miller and Dr. Crespin. **OTHERS PRESENT:** See list of attendees attached to these Minutes.

11. PROPOSED RULE CHANGES

- Rule 16.10.7 NMAC – License Expiration, Renewal and Reinstatement
- Rule 16.10.15 NMAC – Physician Assistants: Licensure and Practice Requirements
- Rule 16.10.19 NMAC – Qualifications & Licensure for Anesthesiologist Assistants

MOTION was made by Dr. Kovnat to adopt the proposed changes to Part 7, 15 and 19 as amended and notice a public hearing in August. **SECONDED** by Dr. Weiner. **YES:** Kovnat, Ghadimi, Miller, Giudice, Weiner, Crespin, Lauriello and Abeles. **MOTION CARRIED.**

12. **NEW BUSINESS**

A. Election of Officers

Ms. Abeles **MOVED** that the Board accept the nomination to reappoint Dr. Kovnat as Chair. Dr. Lauriello **SECONDED**. **YES:** Dr. Lauriello, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller and Mr. Ghadimi. **ABSTAINED:** Dr. Kovnat. **MOTION CARRIED.**

Dr. Crespin **MOVED** that the Board accept the nomination to reappoint Dr. Weiner as Vice Chair. Ms. Abeles **SECONDED**. **YES:** Dr. Lauriello, Dr.

Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller, Dr. Kovnat and Mr. Ghadimi. **ABSTAINED:** Dr. Weiner. **MOTION CARRIED.**

Mr. Ghadimi **MOVED** that the Board accept the nomination of Dr. Giudice as Secretary Treasurer. Dr. Crespin **SECONDED. YES:** Dr. Lauriello, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller, Dr. Kovnat and Mr. Ghadimi. **ABSTAINED:** Dr. Giudice. **MOTION CARRIED.**

- B.** Adopt Open Meetings Resolution
Dr. Crespin **MOVED** that the Board adopt the Open Meetings Resolution as presented. Dr. Lauriello **SECONDED. YES:** Dr. Kovnat, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller, Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**
- C.** Proposed Schedule for Meeting Dates for 2010 Calendar
Dr. Weiner **MOVED** that the Board adopt the 2010 Calendar as presented. Dr. Lauriello **SECONDED. YES:** Dr. Kovnat, Dr. Giudice, Dr. Crespin, Ms. Abeles, Dr. Weiner, Dr. Miller, Dr. Lauriello and Mr. Ghadimi. **MOTION CARRIED.**
- D.** Correspondence – The board reviewed Dr. Frank Hesse’s letter to the Board of Veterinary Medicine for the opportunity to perform spay and neuter procedures on a voluntary basis. The Veterinary Board denied his request.

13. **OLD BUSINESS** – No issues were discussed.

14. **ADJOURN** – There being no further business, the meeting adjourned at 11:56 am.

SUBMITTED BY: _____ DATE: _____
Lynn Hart, Executive Director

APPROVED BY: _____ DATE: _____
Vivian Giudice, M.D., Secretary Treasurer

APPROVED BY: _____ DATE: _____
Paul Kovnat, M.D., Chair